

Notice of Allowability

Application No.

10/751,338

Applicant(s)

ELSER ET AL.

Examiner

Ha D. Ho

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application filed 01/02/04.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☒ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>01/02/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Bach on 09/27/05.
3. During the interview, Applicant agreed to cancel claims 14 and 15, which are directed to the non-elected species, to amend claim 1 to clearly define the scope of the invention, and to correct minor informalities in the claims. The application has been amended as follows:
 - Claim 1, line 2, --first-- has been inserted after "a".
 - Claim 1, line 13, --, at the largest diameter,-- has been inserted after "circumference".
 - Claim 2, line 3, --the-- has been inserted after "which".
 - Claim 2, line 9, "an" has been changed to --another--.
 - Claim 3, line 3, "associated" has been deleted.
 - Claim 4, line 3, "the" has been deleted.
 - Claim 4, line 5, "central" has been changed to --traction--.
 - Claim 4, line 8, "the" has been changed to --an--.
 - Claim 4, line 9, "the" has been changed to --a--.
 - Claim 5, line 4, --the-- has been inserted after "which".

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- Claim 5, line 10, “an” has been changed to --the--.
- Claim 5, line 15, --second-- has been inserted before “traction”.
- Claim 6, line 2, “a” has been changed to --said--.
- Claim 6, line 3, “a drive-side” has been changed to --said first--.
- Claim 6, line 4, “an” has been changed to --said--.
- Claim 6, line 5, --first-- has been inserted after “said”.
- Claim 6, line 5, “a” has been changed to --the--.
- Claim 6, line 6, --the-- has been inserted after “on”.
- Claim 6, line 6, “its” has been changed to --the--.
- Claim 6, line 7, “drive-side” has been changed to --first--.
- Claim 6, line 9, “a” (both occurrences) have been changed to --the--.
- Claim 6, line 10, “the” has been changed to --a--.
- Claim 6, line 10, “type” has been deleted.
- Claim 6, line 12, “drive-side” has been changed to --first--.
- Claim 6, line 16, “its” has been changed to --the--.
- Claim 6, line 18, “drive-side” has been changed to --first--.
- Claim 6, line 22, “drive-side” has been changed to --first--.
- Claim 9, line 4, “drive-side” has been changed to --first--.
- Claim 14 has been canceled.
- Claim 15 has been canceled.

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4. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or render obvious a motivation to provide for a variable speed transmission arrangement as defined by the limitations of claim 1; including a central shaft extending through a traction wheel of an infinitely variable toroidal drive, a summing gear set with a planet carrier, an axial toothing provided on the outer circumference at the largest diameter of the traction wheel, the planet carrier having inner axial toothing engaging with the toothing on the traction wheel, the planet carrier being connected to an end of the central shaft for rotation with.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Cited Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Lohr'372, Wooden'907, Wittkopp'178, Nakano'834 which each shows a variable speed transmission including an infinite variable toroidal drive and a planetary gear unit.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha D. Ho whose telephone number is 571-272-7091. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HDH
(571) 272-7091
September 27, 2005

HAHO
HAHO
PRIMARY EXAMINER
Art Unit 3681

9/27/05